



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: TOVEY, Michael

Art Unit: 1614

Application No.: 09/243,030

Conf. No.: 1869

Examiner: J. Goldberg

Filed: February 3, 1999

Washington, D.C.

For: THERAPEUTIC APPLICATIONS OF HIGH DOSE INTERFERON

Atty.'s Docket: TOVEY=1A

Date: September 6, 2002

RECEIVED  
SEP 09 2002  
TECH CENTER 1600/2900THE COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Sir:

Transmitted herewith is a [X] Amendment [ \_\_\_\_\_ ]  
in the above-identified application.

[ ] Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

[XX] No additional fee is required.

[ ] The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	* 30	MINUS	** 30	10
INDEP.	* 2	MINUS	*** 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
x 9	\$		x 18	\$
x 42	\$		x 84	\$
+ 140	\$		+ 280	\$
ADDITIONAL FEE TOTAL		OR	TOTAL	
\$			\$	

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[ ] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

## Small Entity

## Response Filed Within

[ ] First - \$ 55.00  
[ ] Second - \$ 200.00  
[ ] Third - \$ 460.00  
[ ] Fourth - \$ 720.00

## Month After Time Period Set

[ ] Less fees (\$ \_\_\_\_\_) already paid for \_\_\_\_ month(s) extension of time on \_\_\_\_\_.

## Other Than Small Entity

## Response Filed Within

[ ] First - \$ 110.00  
[ ] Second - \$ 400.00  
[ ] Third - \$ 920.00  
[ ] Fourth - \$ 1440.00

## Month After Time Period Set

[ ] Please charge my Deposit Account No. 02-4035 in the amount of \$ \_\_\_\_\_.

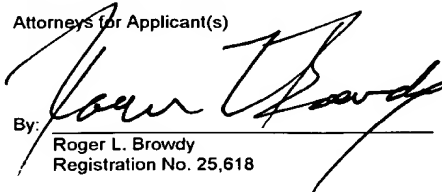
[ ] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ \_\_\_\_\_.

[ ] A check in the amount of \$ \_\_\_\_\_ is attached (check no. ).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

Attorneys for Applicant(s)

By:   
Roger L. Browdy  
Registration No. 25,618

Facsimile: (202) 737-3528  
Telephone: (202) 628-5197



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: TOVEY 1A

In re Application of:	)	Conf. No. 1869
	)	
Michael TOVEY	)	Art Unit: 1614
	)	
Appln. No.: 09/243,030	)	Examiner: J. Goldberg
	)	
Filed: February 3, 1999	)	Washington, D.C.
	)	
For: THERAPEUTIC APPLICATIONS	)	September 6, 2002
OF HIGH DOSE INTERFERON	)	
	)	

AMENDMENT

Honorable Commissioner of Patents  
Washington, D.C. 20231

Sir:

In response to the official action of June 6, 2002,  
please amend as follows:

IN THE CLAIMS

Please rewrite claim 37 in amended form as follows:

37 (Amended). A method for treating a viral infection, which method comprises administering to the mammal having such a viral infection greater than about  $30 \times 10^6$  IU of an interferon via oromucosal contact, said amount being in excess of a dose of the same interferon which induces a pathological response when parenterally administered, said oromucosal administration being in a manner which does not involve direct action of the interferon on virally infected cells.

RECEIVED  
SEP 09 2002  
TECH CENTER 1600/2900

#23/H  
(NE)  
JRP  
9/10/02